Warren T. Duncan - order#11480 claim# 3345

FILED (I)

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U.S. BANKRUPICY COURT
E.D. MICHIGAN-DETROIT

21230 N. King Pl Ferndale, MI 48220 313-910-1921 wtduncan@hotmail.com

Clerk of the Court United States Bankruptcy Court 211 W. Fort Street Suite 2100 Detroit, MI 48226

August 30, 2016

## RE: Motion for Reconsideration of the order# 11480 Granting Stipulation for Resolution of Objection to Claim number 3345 filed by Warren Duncan

Dear United States Bankruptcy Court:

I would like request a motion for Reconsideration of the order# 11480 granting stipulation for resolution of objection to claim number 3345 Acceptance of Bankruptcy Offer filed by Creditor Warren T. Duncan Claim- # 3345- Case No. 13-53846.

The Creditor is asking the Court to reconsider the Creditor's decision to accept the settlement offer from the Debtor, the City of Detroit.

The Creditor is asking the Court to review new evidence that was not considered when the Creditor made its decision.

The Creditors states that the settlement offer was made to the Creditor under false pretenses and without disclosing the new evidence that the Debtor had available and was not made in good faith. The Creditor asserts that the Debtor, the City of Detroit, withheld this information regarding the Creditor's bankruptcy claim to the Debtor's benefit.

The Creditor asserts that the City of Detroit did not disclose the additional fiscal years that the Creditor may claim for this action.

The Creditor asserts that when it signed the acceptance offer the Creditor was only considering and accepting the offer as it pertained to the Creditor's claim as submitted in 2012.

The Creditor has discovered that the Creditor's Claim may and should include the fiscal years of 2013-14 and 2014-15.

The fiscal years of 2013-14 and 2014-15 should be included as part of the Creditor's claim since the Creditor has continued to be employed by the Debtor during this time of the bankruptcy court action.

The Creditor should have the opportunity to amend its claim calculation to include these years.

The Creditor states that when it signed the acceptance offer it was not including the additional fiscal years that it may claim and would like those years to remain in the bankruptcy action.

The Creditor has attached its amended claim calculation for the Court's review.

The Creditor would like to assert this need to correct and clear the error, and to prevent injustice on part of the Debtor.

Based on these arguments, the Creditor should have opportunity to have its claim heard

Sincerely,

Warren T. Duncan

Cc: Marc N. Swanson, Miller, Canfield, Paddock and Stone Plc.

#### UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

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City of Detroit, Michigan,

Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

#### STIPULATION FOR RESOLUTION OF OBJECTION TO CLAIM NUMBER 3345 FILED BY WARREN DUNCAN AND ALLOWANCE OF CLAIM NUMBER 3345 IN A REDUCED AMOUNT

Warren Duncan ("Claimant"), and the City of Detroit, Michigan ("City," and with Claimant, the "Parties"), by and through its undersigned counsel, state as follows in support of the entry of the Order Approving Stipulation Resolving Objection to Claim Number 3345 filed by Warren Duncan and Allowing Claim Number 3345 in a Reduced Amount attached hereto as Exhibit 1.

- 1. On February 21, 2014, Claimant filed proof of claim number 3345 (the "Claim") in the amount of \$33,074.05.
- 2. On May 12, 2016, the City filed its *Debtor's Forty-Fifth Omnibus Objection to Certain Claims (No Basis)* (the "Objection," Doc. No. 11163).
- 3. The Parties have reached a resolution regarding the Claim and the City's Objection to the Claim. The Parties agree that the Claim should be allowed in the amount of \$5,370.00 as a Class 15 Convenience Claim. As provided by the terms of Class 15 of the City's confirmed *Eighth Amended Plan for the Adjustment*

Received 8/19/14

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of Debts of the City of Detroit (October 22, 2014) (Doc. No. 8045), the Claimant will receive a cash payment of \$1,342.50, which is 25% of the allowed amount referenced above, in full and final satisfaction of the Claim.

WHEREFORE the Parties respectfully request that the Court enter an order in the form attached as Exhibit 1, resolving the Objection as regards the Claim and allowing the Claim in a reduced amount as a Class 15 Convenience Claim.

Stipulated and agreed to	on August <u>1</u> , 2016:					
MILLER CANFIELD P.	ADDOCK & STONE, PLC					
By: /s/ Marc N. Swanson						
Marc N. Swanson (P71149)						
150 West Jefferson, Suite 2500						
Detroit, Michigan 48226 Telephone: (313) 496-7591						
Telephone: (313) 496-7591 Facsimile: (313) 496-8451						
swansonm@millercanfield.com						
Counsel for the City of	Detroit, Michigan					
Claimant for Claim 334	5					
Warren Duncan	Section (Control of the Control of t					
21230 N. King Pl.						
Ferndale, MI 48220						
* -	1 653					
The foregoing instrument w	vas acknowledged before me this   C  day of August, 2016, by					
Warren Dyncy	, who is personally known to me or					
who produced a driver's lic	erise as identification.					
Notary Stamp:	Notary's Signature:					
	Notary's Name: ('Mycine Kelly					
CHEYENNE KELLY	Notary Public, State of MI, County of Wayne					
Notary Public - Michigan Wayne County	My commission Expires: April 22.2022					
ommission Expires Apr 22, 2022	Acting in the County of: Dayne					
In the County of LAMAGE	V					

#### **EXHIBIT 1**

#### UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

In re:

Bankruptcy Case No. 13-53846

City of Detroit, Michigan,

Judge Thomas J. Tucker

Debtor.

Chapter 9

# ORDER APPROVING STIPULATION RESOLVING OBJECTION TO CLAIM NUMBER 3345 FILED BY WARREN DUNCAN AND ALLOWING CLAIM NUMBER 3345 IN A REDUCED AMOUNT

This matter having come before the Court on the Stipulation for Resolution of Objection to Claim Number 3345 filed by Warren Duncan and Allowance of Claim Number 3345 in a Reduced Amount (the "Stipulation"); the parties having stipulated to the allowance of claim number 3345 in a reduced amount and the resolution of the Debtor's Forty-Fifth Omnibus Objection to Certain Claims (No Basis) (the "Objection," Doc. No. 11163) as to claim number 3345; and the Court being otherwise fully informed:

#### IT IS HEREBY ORDERED THAT:

- 1. The Objection is resolved as to proof of claim number 3345 filed by Warren Duncan (the "Claim").
- 2. The Claim is allowed as a Class 15 Convenience Claim in the amount of \$5,370.00 and will be paid in a cash payment of \$1,342.50, which is 25% of the allowed amount, in full and final satisfaction of the Claim according to the terms of

the City's confirmed Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (October 22, 2014) (Doc. No. 8045).

3. The City's claims and noticing agent, Kurtzman Carson Consultants, is authorized to update the claims register to reflect the terms of this order.

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3600		Harifa, Sakinah	57,529.78			1		57,529.78		···		<del> </del>	· !	<del></del>					57,
3600		Mccoy, Kim R	57,918.66			1		57,918.60				1							57,
3600		Palazzola, Timothy M	19,779.97	-:		19,779	.97		<del>-</del>			<del></del>		· <del></del>	<del></del>	<del></del>			19,
3600		Raschke, Christopher M	59,521.88			·		59,521.8	· · · · · · · · · · · · · · · · · · ·								<del></del> +		59,
3600		Yrtvedi, Ranna K	79,251,58			***		79,851,51		<del></del>	<del></del>	·	<del>-</del>			<del></del>	<del></del>		
	0012 Total		528,274,94					البيديداد	٠.				1	,	,	1 -			79,
Finan	nancial Manageme	en Davís, Branda L	\$6,927.65		:				56,927.65										٠
		Early, Gerhard A	61,336.49			·					· <del></del>	+	·					<del></del>	56,
F		Gering, Lisa L	77,750.51				<del></del>	- <del></del> -	61,335.41			·					<del></del>	<del></del>	61
<b> -</b> ~		Hatchett, George	53,122.00		····	<del></del>			77,750.5			<del></del>		<del></del>				<u> : : </u>	77
		Halloway, Takeisha Y	39,850.69			<del>                                     </del>		<del></del>	53,122,01				<del></del>				_ +		53
		Jackson, Wanda	47,548.09			<del></del>		<del> </del>	39,950.6			<del>-</del>							39
		Scarboro, Lisa K	86,505.75				······································		47,548.0			<del></del>					·		47
<b>├</b> ─		Udegbunaru Chukwuma		<del></del>		<del> </del>	···		86,505.7		+		<u></u>		<del></del>				86
			15,184.50			÷			57,389_2		<u></u>								57
		Valikodath, Joly T	74,464.92	<del></del>		<del>,</del>			15,184.5										15
سيبيا	60013 Total	Valing, Norberto T	/4,464.92			1		1	74,454.9	2 ·	:					1 :			74
		Ita	570,079,84	ı															
Cont	ontract Compliant	ce Handy, Volma B	53,366.91		+	<del></del>	·			53,366.	.91								53
٠.		Jackson, Jacqueline	19,193.04	i		19,19	B.Q4												15
<b></b>		Kaw, Grorge A	62,837.70	<del></del>		<u>* 1</u>				62,837									62
ķ		Perry, Vivian 5	59,960.39	<b></b>						59,960	.39								59
		Robinson, Marlene	65,966.17	h						63,966	.17								5
		Scott, Shirley	23,265.B2	ļ						: 23,265	.82	<del></del>							2
L		Thompson, Angola M	24,230.18	1		24,23	0.18								<del></del>		<del></del>	<del></del>	24
	6001S Total		308,875.21	1															4
Dev	Development	Aleobus, Paul O	69,282.92	<u> </u>	59,282.92	2 -													61
17-		Salton, Dinah L	64,024.20		54,024.20											<del>'</del>			
.		Craws, Darryl J	53,983.57		53,983.5		<del>,</del> -				<del></del>								
		Crews, Stephanie D	\$3,929.33		53,929.3					<del></del> :		<u> </u>				<del></del>			5
<u> </u>		Gray, Felicia M	99,506,40		39,506,4										<del>-</del>				5
ļ			3,554.11		3,554.1														3
F		Hardy Dard	42,619 25		42,613.2	<del></del>	<del></del>												
<b> </b>		Hardy, Daryl Hotland, Caroling	51,455.34																47

360009 P&D FRM Direct Staffing	02/20/2015 02/20/2015	Duncan, Warren T 4077	2001.360009.000000.603900.13594.00000.00000 2001.360009.000000.603900.13594.000000.00000 2001.360009.000000.603200.13594.000000.00000 2001.360009.000000.603200.13594.000000.00000 2001.360009.000000.603900.13594.000000.00000 2001.360009.000000.603900.13594.000000.00000 2001.360009.000000.603400.13594.000000.00000 2001.360009.000000.603400.13594.000000.00000 2001.360009.000000.603125.13594.000000.00000 2001.360009.000000.603400.13594.000000.00000 2001.360009.000000.603100.13594.000000.00000 2001.360009.000000.601100.13594.000000.00000 2001.360009.000000.601100.13594.000000.00000 2001.360009.000000.601100.13594.000000.00000 2001.360009.000000.601100.13594.000000.00000 2001.360009.000000.601100.13594.000000.00000 2001.360009.000000.601100.13594.000000.00000 2001.360009.000000.601100.13594.000000.00000	2001 2001 2001 2001 2001 2001 2001 2001	Employer Liabilities Earnings Earnings Earnings Earnings Earnings Earnings Earnings Earnings	\$0.51 \$2.05 \$402.91 \$22.55 \$1.91 \$4.00 \$30.15 \$112.57 \$52.86 \$3.79 \$195.77 \$195.77 \$195.77 \$195.77 \$195.77	\$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00
360009 P&D FRM Direct Staffing 360009 P&D FRM Direct Staffing	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.601100.13594.000000.00000	2001	Earnings	\$195.77	\$0.00
	02/20/2015	Duncan, Warren T 4077	2001.360009.000000.601100.13594.000000.00000	2001	Earnings	\$195.77	\$0.00

SAMPLE 2014-15 SALARY PAID FROM FERERAL FUNDS W/A 10% REDUCTION

### UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MICHIGAN

Debtor. WARREN T. DUNCAN. Creditor	CASE NO:13-53846 CHAPTER:9
CERTIFICATE OF	SERVICE
I hereby certify that on AUGUST 30, 2016	(date of mailing), I served
copies as follows:	
Document(s) served:     Motion for Reconsideration of the order# 1     Objection to Claim number 3345 filed by V	11480 Granting Stipulation for Resolution of Varren Duncan
<ol> <li>Served upon [name and address of each person see Marc N. Swanson         150 W. Jefferson, Suite 2500         Detroit, MI 48226         313-496-7591         swansonm@millercanfield.com</li> <li>By First Class Mail.</li> </ol>	2016 AUG 30 P 3: 36 U.S. BANKRUPTCY COURT E.D. MICHIGAN-DETROIT
	nature)  it Name: MARRIN / MUCAN